

REMARKS

Claims 1-30 are currently pending in the subject application, and are presently under consideration. Claims 1-30 are rejected. Favorable reconsideration of the application is requested in view of the amendments and comments herein.

Claims 1, 10, 13, 16, 22, 28 and 30 have been amended.

I. The Rejection of Claims 1-5, 7-9, 11-12 and 28-30 Under 35 U.S.C. §102 Should be Withdrawn

Claims 1-5, 7-9, 11-12 and 28-30 stand rejected under 35 U.S.C. §102 as being anticipated by Carmel, et al., U.S. Patent No. 6,389,473 ("Carmel"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 1 has been amended to recite transferring a subsequent one of said plurality of blocks from said first entity across said network toward said second entity while at least one previous block is being transferred across said network to said second entity; and repeating said transferring of said subsequent one of said plurality of blocks until all of said plurality of blocks have been transferred, wherein at least one of said plurality of blocks comprises an intercontrol block that contains information for rebuilding the file from said plurality of blocks. Carmel does not disclose an intercontrol block, as recited in amended claim 1. Accordingly, Carmel does not disclose each and every element of amended claim 1.

Furthermore, in rejecting original claim 10, the Office Action cites Sherman, U.S. Patent 6,831,912 (hereinafter Sherman) as disclosing an interconnect block (See Office Action, Page 10, Sec. No. 29). It is respectfully submitted that the "last received packet" disclosed in Sherman does not correspond to the intercontrol block recited in amended claim 1. Sherman discloses that an Acknowledgement message specifies all unacknowledged packets up to and including the last packet associated (See Sherman Col. 7, Lines 3-6). However, Sherman does not teach or suggest that there is any special information carried in the "last received packet." It is presumed that the last packet disclosed in Sherman is simply the final packet in a data stream. Conversely, the

intercontrol block recited in amended claim 1 contains information for rebuilding a file from a plurality of blocks. Sherman does not teach or suggest that the last packet received could be used by a receiving computer to reassemble the transmitted packets. Accordingly, Carmel, and Sherman, taken individually or in combination, fail to teach or suggest each and every element of amended claim 1. Accordingly, amended claim 1 is patentable over the cited prior art.

Claims 2-5, 7-9 and 11-12 depend directly or indirectly from amended claim 1. Thus, claim 2-5, 7-9 and 11-12 are not anticipated by Carmel for substantially the same reasons as amended claim 1 and for the specific elements recited therein. Accordingly, claims 2-5, 7-9 and 11-12 are patentable over the cited prior art.

Additionally, in regards to claim 11, Carmel does not disclose a second entity transferring an acknowledgement across a network to a first entity after a beginning of the transmission of a second one of a plurality of blocks. Carmel discloses that clients monitor time codes as the file is received, in order to ensure that the transmission or reception is keeping up with the input of the data (See Carmel, Col. 7, Lines 36-38). Carmel does not disclose that the client computer sends acknowledgement of a received slice. Further, Carmel does not disclose any temporal relationship between the receiving of a slice, and notification to a computer that the client has received the slice. Conversely, claim 11 recites transferring an acknowledgement after a beginning of transmission of a second one of a plurality of blocks. Accordingly, Carmel does not disclose each and every element of claim 11. Thus, claim 11 Carmel does not anticipate claim 11.

Claim 28 has been amended to recite an intercontrol block that contains information for rebuilding the file from said plurality of blocks. As stated above with respect to claim 1, Carmel does not disclose an intercontrol block. Therefore, Carmel does not disclose each and every element of amended claim 28. Thus, amended claim 28 is not anticipated by Carmel. Accordingly, amended claim 28 is patentable over the cited prior art.

Claims 29-30 depend directly or indirectly from claim 28. Claims 29-30 are not anticipated for substantially the same reasons as claim 28 and for the specific elements recited therein. Accordingly, claims 29-30 are patentable over the cited prior art.

For the reasons described above, claims 1-5, 7-9, 11-12 and 28-30 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

II. The Rejection of Claims 13-17, 21-23 and 2 Under 35 U.S.C. §102 Should be Withdrawn

Claims 13-17, 21-23 and 27 stand rejected under 35 U.S.C. §102 as being anticipated by Sherman, U.S. Patent No. 6,831,912 ("Sherman"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 13 has been amended. Specifically, claim 13 has been amended to recite an intercontrol block that contains information for rebuilding the file from said plurality of blocks. In rejecting original claim 16, the Office Action cites Sherman's disclosure of a "last received packet" as disclosing the interconnect block recited in original claim 16. For the reasons stated above with respect to claim 1, it is respectfully submitted that the "last received packet" disclosed in Sherman does not correspond to the intercontrol block recited in amended claim 13. Thus, Sherman does not disclose each and every element of amended claim 13, and therefore Sherman does not anticipate claim 13. Accordingly, amended claim 13 is patentable over the cited prior art.

Claims 14-17 and 21 depend directly or indirectly from claim 13 and are not anticipated by Sherman for substantially the same reasons as claim 13 and for the specific elements recited therein. Accordingly, claims 14-17, and 21 are patentable over the cited prior art.

Claim 22 has been amended to recite an intercontrol block that contains information for rebuilding the file from said plurality of blocks. As stated above with respect to claim 13, Sherman does not disclose an intercontrol block that contains information for rebuilding a file from a plurality of blocks, as recited in claim 22. Thus, Sherman does not disclose each and every element of amended claim 22. Therefore, Sherman does not anticipate claim 22. Accordingly, claim 22 is patentable over the cited prior art.

Claims 23 and 27 depend from claim 22 and are not anticipated by Sherman for substantially the same reasons as claim 22 and for the specific elements recited therein. Accordingly, claims 23 and 27 are patentable over the cited prior art.

For the reasons described above, claims 13-17, 21-23 and 27 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

III. The Rejection of Claim 6 Under 35 U.S.C. §103(a) Should be Withdrawn

Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Carmel as applied to claim 1 above, and further in view of Richard Stevens, "TCP/IP Illustrated, Volume 1", pages 281 and 296 ("Richard"). Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claim 6 depends from claim 1 and is patentable over the cited prior art for substantially the same reasons as claim 1 and for the specific elements recited therein.

Additionally, Applicant agrees that Carmel does not teach or suggest that transferring a second one of a plurality of blocks comprises waiting a predetermined time after a beginning of transmission of a first one of the plurality of blocks, as recited in claim 6. However, in contrast to the contention of the Office Action, the addition of Richard does not cure the deficiencies of Carmel. Richard discloses that over time a sliding window moves to the right as a receiver acknowledges data (See Richard, Page 280, Para. 3). Furthermore, as illustrated in Fig. 20.6 of Richard, data is only sent from a sender to a receiver after acknowledgement is received by the sender. That is, in Richard, after transmitting a plurality of segments (i.e. segments 4, 5 and 6), the next segment (segment 9) is not sent until an event (acknowledgement) has occurred. Thus, it is clear that in Sherman, each segment would be sent at an undetermined amount of time after the previous segment. Conversely, in claim 6, the second block is sent a predetermined amount of time after beginning the transmission of the first block. Furthermore, claim 6 achieves an advantage over Richard in that in a network with relatively high latency, the second block can be sent without the first block being acknowledged. Thus, it is possible in claim 6 that both the first

and second blocks are being transmitted over the network simultaneously, thereby increasing the overall transfer speed. Non-obviousness can be established by proof that the claimed invention possesses superior properties. *In re Papesch*, 315 F.2d 381, 137 U.S.P.Q. 43 (CCPA 1963). Thus, neither Sherman nor Richard, taken alone or in combination teach or suggest each and every element of claim 6. Accordingly, claim 6 is patentable over the cited prior art, and withdrawal of this rejection is respectfully requested.

IV. The Rejection of Claims 18-20 and 24-26 Under 35 U.S.C. §103(a) Should be Withdrawn

Claims 18-20 and 24-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sherman as applied to claims 13 and 22 above, and further in view of Richard. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Claims 18-20 depend directly or indirectly from amended claim 13. Thus, claims 18-20 are patentable over the cited prior art for substantially the same reasons as amended claim 13, and for the specific limitations recited therein. Accordingly, claims 18-20 are patentable over the cited prior art.

Additionally, in regards to claim 18, Sherman does not teach or suggest that transferring a second one of a plurality of blocks comprises waiting a predetermined time after transmission of a first one of a plurality of blocks, as recited in claim 18. The addition of Richard does not cure the deficiencies of Sherman. As stated above with respect to claim 6, in Richard, each segment is sent at an undetermined amount of time after the previous segment. Thus, Sherman and Richard, taken alone or in combination do not teach or suggest each and every element of claim 18.

Furthermore, in regards to claim 19, Applicant agrees that Sherman does not teach or suggest that transferring a second one of a plurality of blocks comprises waiting a predetermined time after a beginning of transmission of a first one of the plurality of blocks, as recited in claim 19. However, in contrast to the contention of the Office Action, the addition of Richard does not cure the deficiencies of Sherman. As stated above with respect to claim 6, in Richard, each

segment is sent at an undetermined amount of time after the previous segment. Thus, Sherman and Richard, taken alone or in combination do not teach or suggest each and every element of claim 19.

Claims 24-26 depend indirectly from claim 22. Thus, claims 24-26 are patentable over the cited prior art for substantially the same reasons as claim 22, and for the specific elements recited therein.

Additionally, in regards to claim 24, Sherman does not teach or suggest that transferring a second one of a plurality of blocks comprises waiting a predetermined time after transmission of a first one of a plurality of blocks, as recited in claim 24. The addition of Richard does not cure the deficiencies of Sherman. As stated above with respect to claim 6, in Richard, each segment is sent at an undetermined amount of time after the previous segment. Thus, Sherman and Richard, taken alone or in combination do not teach or suggest each and every element of claim 24.

Furthermore, in regards to claim 25, Applicant agrees that Sherman does not teach or suggest that transferring a second one of a plurality of blocks comprises waiting a predetermined time after a beginning of transmission of a first one of the plurality of blocks, as recited in claim 25. However, in contrast to the contention of the Office Action, the addition of Richard does not cure the deficiencies of Sherman. As stated above with respect to claim 6, in Richard, each segment is sent at an undetermined amount of time after the previous segment. Thus, Sherman and Richard, taken alone or in combination do not teach or suggest each and every element of claim 25.

For the reasons described above, claims 18-20 and 24-26 should be patentable over the cited art. Accordingly, withdrawal of this rejection is respectfully requested.

V. The Rejection of Claim 10 Under 35 U.S.C. §103(a) Should be Withdrawn

Claim 10 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Carmel as applied to claim 1 above, and further in view of Sherman. Withdrawal of this rejection is respectfully requested for at least the following reasons.

Neither Carmel nor Sherman teaches or discloses that a plurality of blocks are assembled at a second entity after the second entity receives an intercontrol block from a first entity as recited in amended claim 10. As stated above with respect to claim 1, the "last received packet" disclosed in Sherman does not correspond to an intercontrol block. Thus, Carmel and Sherman taken alone or in combination do not teach or suggest each and every element of claim 10. Thus, claim 10 is patentable over the cited prior art, and withdrawal of this rejection is respectfully requested.

CONCLUSION

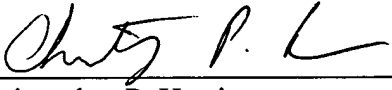
In view of the foregoing remarks, Applicant respectfully submits that the present application is in condition for allowance. Applicant respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

Date

6/28/05



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